

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

NGUYEN TUAN VAN §  
v. § CIVIL ACTION NO. 9:08cv78  
MICHAEL MUKASEY, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Petitioner Nguyen Tuan Van, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2241 complaining of the legality of his detention by U.S. immigration authorities. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On May 19, 2008, the Magistrate Judge issued a show cause order to the relevant U.S. officials. A copy of this order was sent to Van at his last known address, but was returned as undeliverable. To date, he has not notified the Court of his present mailing address or current whereabouts.

On June 6, 2008, the Magistrate Judge issued a Report recommending that the petition be dismissed for failure to prosecute or to obey an order of the Court. A copy of this Report was sent to Van at his last known address, return receipt requested, but no objections have been received; accordingly, Van is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Magistrate Judge's Report is correct. It is accordingly

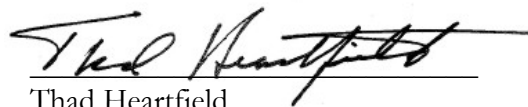
ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus is DISMISSED without prejudice. Should Van remain in custody within the Eastern District of Texas and desire relief from such custody, he may refile his petition. It is further

ORDERED that any and all motions which may be pending in this action are hereby DENIED. Finally, it is

ORDERED that copies of this Memorandum Opinion and accompanying Final Judgment shall be sent by the Clerk to the United States Attorney in Lufkin, Texas; the United States Attorney General, at 950 Pennsylvania Ave. N.W., Washington, D.C. 20530; the United States Department of Homeland Security, Washington, D.C. 20528; and the District Director of the U.S. Immigration and Naturalization Service, at 509 North Belt, Houston, Texas 77060.

**SIGNED** this the 27 day of **June, 2008**.

A handwritten signature in black ink, appearing to read 'Thad Heartfield', is written over a horizontal line.

Thad Heartfield  
United States District Judge